

Inventor: Philip Eggers et al.
Application No. 10/621,839

Atty. Docket: A-1-9

REMARKS

Rejections Under 35 U.S.C. §112:

According to the Office Action, claim 61 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Although Applicant does not agree with the rejection, Applicant has canceled claim 61 in an effort to facilitate prosecution. Accordingly, reconsideration and withdrawal of the rejection is requested.

According to the Office Action, claim 60 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claim 60 to include the limitations of claims 52 through 55, and 59, which according to the Office Action, contained subject matter not rejected over the prior art. Claim 60 is thus essentially the same as previous claim 60 except that it is in independent form. Reconsideration and withdrawal of the rejection is requested.

Double Patenting:

Claims 52-76 are rejected under the judicially created doctrine of obviousness – type double patenting as being unpatentable over claims 1-62 of U.S. Patent No. 5,891,095.

Applicant submits a proper terminal disclaimer with this response. Reconsideration and withdrawal of the rejection is respectfully requested.

Inventor: Philip Eggers et al.
Application No. 10/621,839

Atty. Docket: A-1-9

CLOSING COMMENTS

If the Examiner believes a telephone conference would expedite prosecution of this application, a telephone call to the undersigned attorney at below listed number will be appreciated.

Respectfully submitted,



Richard R. Batt
Reg. No. 43,485

2/22/05
Date

ArthroCare Corporation
680 Vaqueros Avenue
Sunnyvale, California 94085-3523
(408) 736-0224